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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,876	10/12/2001	Anthony Rodrigo	NOKM.014PA	2171

7590 07/07/2006

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EXAMINER

RUDY, ANDREW J

ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,876

Applicant(s)

RODRIGO, ANTHONY

Examiner

Andrew Joseph Rudy

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-62 is/are pending in the application.
- 4a) Of the above claim(s) 25-62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 49-61 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The claims constitute independent/distinct inventions. Applicant's April 25, 2006 REMARKS have been reviewed, but are not convincing. However, the claims do not mirror each other in such a way that additional elements are not needed for both, e.g. claim 1 requires no processor as recited in claim 49.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 49-61 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. It is noted claims 25-40 still remain withdrawn from consideration.

Claim Rejections - 35 USC § 112

2. The 35 USC 112, first paragraph, rejection is withdrawn. Applicant's April 25, 2006 are not convincing with regards to "first format to a second format."

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2 and 4-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 3, the phrase "charging elements" is not clear as to its meaning. The original disclosure does not provide adequate clarification as to the meets and bounds of this term.

Claim 1, line 4, the phrase "application programming interface (API)" is not clear as to its meaning. The original disclosure does not provide adequate clarification as to the meets and bounds of this term.

Claim 1, line 8, the phrase "network elements and the charging elements" is not clear as to its meaning. The original disclosure indicates that the network elements are referred to as charging elements, e.g. col. 1 [004]. The claim language attempts to give separate meaning to different terms that are the same element. Thus, the language is not clear.

Claim 1, line 12, the phrase "charging events" is not clear as to its meaning. The original disclosure does not provide adequate clarification as to the meets and bounds of this term.

Claim 4, line 3, "XML" is not clear and its full meaning needs to be properly identified. Further, the original specification does not appear to support such claim language. Clarification is required.

Claims 6, 7, "applying the rules" is not clear in relationship to the other recited claim language. Further, the original specification does not appear to support such claim language. Clarification is required.

Claim 8, "filtering the charging events" is not clear in relationship to the other recited claim language. Further, the original specification, e.g. Fig. 10, element 1216, does not appear to support such claim language. Clarification is required.

Applicant is required to clarify where support for the remaining dependent claims 9-24, e.g. where is support for the first and second calls within the original specification?, are located.

In short, Applicant is claiming subject matter that is not defined in such a clear and concise manner to ascertain the meets and bounds of the invention.

Claim Rejections - 35 USC § 101

4. The 35 USC 101 rejection is withdrawn.

Claim Rejections - 35 USC § 103

5. Claims 1, 2 and 4-20, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohn, US 6,031,895.

Applicant's April 25, 2006 REMARKS are noted but are not convincing with regards to Cohn. The terms "receiving charging events at a network charging edge" or

"managing charging transactions . . . via the one or more bridge modules through the application of rules modify the charging transaction initiated by corresponding charging events" are nebulous as to their meanings. As understood, the network hubs, e.g. 12, 14, 16 and network communications, e.g. 18, network center, e.g. 37, server, e.g. 64, and administrative event manager, e.g. 78, along with the other disclosed elements of Cohn, encompass in broad scope and content the network charging edge/transactions and bridge modules. It would appear that though no rule is disclosed by Cohn, inherently the billing interaction and methodology disclosed by Cohn, e.g. Figs. 11, 12, encompasses such claim language, as understood. Also, the claim language "for managing" is intended claim use language. Such language is given patentable weight, but less patentable weight than positively recited claim language. The degree of what patentable weight given is more than zero percent and less than one hundred percent. As understood, Cohn manages the billing to such a degree.

6. Applicant's Information Disclosure Statement received October 6, 2005 has been reviewed. Note attached PTO-1449.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 571-272-6789. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Andrew Joseph Rudy". The signature is stylized with a large, looped "A" and a cursive "Rudy".

Andrew Joseph Rudy
Primary Examiner
Art Unit 3627